



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,201	09/16/2003	Albert Becker	07522.157001	3695

7590 01/06/2006

Rosenthal & Osha L.L.P.
Suite 2800
1221 McKinney Street
Houston, TX 77010

EXAMINER

REICHLE, KARIN M

ART UNIT PAPER NUMBER

3761

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,201

Applicant(s)

BECKER, ALBERT

Examiner

Karin M. Reichle

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 6-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/16/03, 11/12/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

Drawings

1. The drawings are objected to because in Figure 8, the line from 4 should be dashed. Also, there is an undenoted line. Figure 3, a cross-section of the pantiliner and packaging material, is inconsistent with the description thereof on page 6, lines 10-11, i.e. is not a cross-section of the packaging material of Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the invention as claimed in claims 4-5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Description

3. The abstract of the disclosure is objected to because the abstract is too long, i.e. more than 150 words in length. Also terminology which can be inferred, i.e. “Described is a”, and legal terminology, i.e. “means”, should be avoided. Correction is required. See MPEP § 608.01(b).

4. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: the abstract, line 3, i.e. "a washing side"?

5. The disclosure is objected to because of the following informalities: 1) The various sections of the specification, e.g. Summary of the Invention, Brief Description of the Drawings, Detailed Description of the Invention, should be preceded by the appropriate subtitle. 2) The Summary of the Invention section, i.e. a description of the claimed invention, and the invention of the claims should be commensurate, see MPEP 608.01(d). 3) The description of Figure 3 on page 6 is not consistent with Figure 3, see discussion supra. 4) The description of Figures 5A-C on page 6, lines 14-16 is insufficient, i.e. isn't described as a sectional view. 5) Throughout the specification "a washing side" is referred to. What is this structure? The garment facing side? A clear description of this structure should be set forth.

Appropriate correction is required.

Claim Objections

6. Claims 1-5 and 14-15 are objected to because of the following informalities: In claims 1-5, "body side facing"(all) and "washing side facing"(all) should be --body side faceable-- and --washing side faceable--, respectively. In claim 1, line 4, "the body"(1st) should be --a body--. In claims 3-4, line 2, "the hygiene...shape" is redundant. In claims 2-5, line 1, "A" should be --The--. In claim 1, last line, "the" should be --a--. With regard to claims 14-15,

Art Unit: 3761

see the discussion of claims 1-5 which applies to similar language in these claims also.

Appropriate correction is required

7. Claims 6-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from another multidependent claim. See MPEP § 608.01(n). Accordingly, the claims 6-13 have not been further treated on the merits.

Claim Language Interpretation

8. Due to the lack of clarity discussed supra, “a washing side” will be interpreted as the garment faceable side. Since no other claim language has been specifically defined, such will be interpreted according to its usual, i.e. dictionary, definition. It is noted that the use of the term “means” in the claims is interpreted as not invoking 35 USC 112, sixth paragraph, i.e. is not a “means plus function” statement. With respect to claims 3-4 and 5/3-4, the claim does not require the opening to be longer in the direction of the longitudinal axis than in the direction of the direction transverse thereto.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-5 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Black '236.

Claim 1: See Claim Language Interpretation section *supra*, and the Figures and col. 2, lines 14-17, i.e. the packaged product is 10 and 12, the body faceable side is opposite 11, the washing side is adjacent 11, the adhesive is 11, the packaging material is 12, which has a inside or interior, see especially Figures 3-6, facing toward the product and fixed to adhesive 11, an outside surface, the mouth of the container adjacent 14 is the opening which is fixed to the adhesive and the surface region 16a is fixed to adhesive 11 to hold the product in a packaged condition. Note also col. 2, lines 10-13.

Claims 2-5: The opening shown in Figures 5 and 6 is elongate and is longer in a direction parallel (Fig. 5) or transverse (Fig. 6) to the longitudinal axis of the product and extends over the entire width of the product when folded or unfolded.

Claims 14-15: It is the Examiner's first position that the Black reference discloses the claimed process, i.e. note Figure 6 and col. 1, lines 39-41, i.e. a sack like container, i.e. a container with an opening is fixed to the product, i.e. the opening is produced before fixation. In any case, i.e. the Examiner's second position, since the Black device, in its normal and usual operation, will necessarily perform the method claimed, the method claimed is considered to be anticipated thereby, see MPEP 2112.02.


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

Art Unit: 3761

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR
December 30, 2005